

Remarks/Arguments:

This is a reply to the office action of July 18.

Claim 19 has been amended to include the subject matter of claim 26, which has been canceled. Please reconsider the application in view of the amendment and the following remarks.

The present invention is related to the field of authorization and liability items such as security documents, currency or tax stamps. The present invention is related to a specific area: certain valuable goods are for example under the obligation of tax. Governments of course want to trace the number of such goods, in order to obtain tax incomes. For the manufacturer of such goods, it is therefore important to have an absolutely reliable system of authentication. If somebody counterfeits their goods, they may experience problems with tax authorities who may request further tax payments, due to an increased numbers of sold goods. In order to prove in court which of the sold goods actually are from them and not from a counterfeiter, manufacturers need a 100% correct authentication and trace system.

The system of the present invention comprises several aspects recited in combination in claim 19: first of all, the present invention provides a method for providing authorization and liability items with a high speed and simultaneously with a 100% correctness of the information on said authorization and liability items. For that purpose, the printed authentication information is read immediately after printing and verified for its correctness. If it should turn out that the printed information is not correct, then in an immediately following step a cancellation mark is printed on said label. The labels are provided on a roll, which ensures high speed printing of said items.

This is only one aspect of the present invention. The other aspect is that said authentication information should be as safe as possible against counterfeiting. For that purpose it is now explicitly required by claim 19 that the first marking (which is said authorization information) is printed using an ink comprising a material-based security element. This is a material which is not readily available to a common person. Not just any luminescent materials, UV-absorbers or IR-absorbers can be used, but only those which are security elements, i.e. those which are not readily available. Therefore, the protection against counterfeiting results not only in the fact that the first marking is in covert printing, but even more importantly that the marking is based on a not readily available security element.

We respectfully submit that these concept of the present invention in combination are not derivable from the prior art (Fujiwara and Berson).

Fujiwara is only concerned with one aspect of the present invention, i.e. printing bar codes in a reliable manner. Fujiwara is absolutely silent as to the possibility of using his method for the production of authentication and liability items in the field outlined above. Fujiwara is not at all related to a method of providing a marking which can be used for authentication purposes in court or before a tax authority. As far as we can determine from the abstract of said document, Fujiwara uses a normal ink without any material-based security element.

Berson, on the other hand, is concerned with a completely different problem: Berson wants to improve the signal to noise ratio of bar codes. In other words, Berson aims to improve the scanability of such a bar code in order to obtain a better result during bar code reading. Berson only vaguely mentions counterfeiting, and does not make any suggestion of using material-based security elements, i.e. materials which are not readily available to the skilled person. Also, Berson is not related to the problem of authorization of goods which are, e.g., under the obligation of tax payments.

Thus the present invention is not just about preventing counterfeiting, but equally importantly, aims at providing items which guarantee 100% traceability. Both goals must be satisfied. While protection against counterfeiting could be established by using covert markings, this alone would not guarantee 100% traceability. In order to achieve 100% traceability, a marking must comprise information which is 100% correct and can thus be attributed to a certain manufacturer. Only if this is fulfilled, will the item be suitable as evidence in court or before a tax authority.

It is respectfully submitted that Fujiwara and Berson considered together would not have provided a skilled person with a reasonable expectation of successfully arriving at the present invention. We submit those references are insufficient to have led the skilled person into the direction of the present invention. Both Fujiwara and Berson only discuss isolated aspects of the present invention. However, those isolated aspects do not provide the skilled person with the full picture of the present invention – the combination of features recited in claim 19 – which would not have been obvious from the references.

Fujiwara and Berson together do not render obvious the aspect of traceability of the authentication and liability items of the present invention, because neither references suggests or mentions this issue at all. There is a clear difference between mere prevention of counterfeiting and traceability, since the latter requires in addition 100% correctness of a certain information within a marking.

We believe that the claims now presented are patentable over the prior art of record, and respectfully submit that this application is now in condition for allowance.

/Charles Fallow/

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